

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14000 of 2014

Arising Out of P.S.Case No. -80 Year- 2013 Thana -KARJA District- MUZAFFARPUR

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Ramesh Kumar Son of Satahu Ram Resident Of Village- Chamarua, P.S- Karja,
District- Muzaffarpur.

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajnath Sharma, Advocate

For the Opposite Party : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 24-07-2017

Heard.

2. This application under Section 482 of the Cr.P.C. has been filed to quash the police report dated 07.09.2013 submitted in Karja P.S.Case No.80 of 2013.

3. The facts in brief is that a police case vide Karja P.S.Case No.79 of 2013 was registered. The victim of said case died on 04.06.2013 and on the application of I.O. Section 302 of the IPC was added. The I.O. of the said case file application for issuance of process for attachment of property of FIR named accused. The police visited at the residence of accused and attached moveable properties of accused of said Karja P.S.Case No.79 of 2013 on 04.06.2013 in presence of local witnesses. The petitioner Ramesh Kumar had also put his signature on the attachment report. The investigating officer along with circle officer and other police officials again visited at the residence of said accused for the attachment of property and in course of attachment proceeding, the wife of



accused along with 100-200 persons armed with deadly weapon assembled and they started pelting stones and assaulting the informant and other officials by lathi, spade, danda etc. In the occurrence of assault one of the female constable, namely, Sunaina Hansda died. The miscreants further set the house on fire with intention to implicate the police officials in order to harass them. In this regard, Karja P.S.Case No.80 of 2013 was registered on the written report of Circle Officer who was deputed for executing the attachment order. This petitioner and others were identified and the case was accordingly registered against them for the offence under Section 302, 120B, 353, 379 and other Sections of the IPC.

4. It has been submitted that there is no eye witness to the occurrence. The persons who disclosed the name of this petitioner are police officials. The petitioner was present in village on 04.06.2013 and had signed the memo of attachment which was executed by SHO. The second attachment was witnessed by other persons as the petitioner was not present. The persons who disclosed the name of this petitioner are police witnesses. There is no material in the case diary against the petitioner. The police have submitted chargesheet without any material. The matter was reported to Scheduled Castes & Scheduled Tribes which has not found complicity of this petitioner and so the police report is fit to be quashed.

5. The learned APP opposed the submissions.

6. On perusal of FIR and case diary, I find that this petitioner and 17 others are named in the FIR. It has been alleged that this petitioner and other co-accused pelted stones on police party and other officials who had visited at the residence of accused for executing the attachment order of the Court. The petitioner was identified by the Chaukidar and other police officials. The investigating officer finding sufficient material against this petitioner and other



co-accused submitted report for prosecuting them for the offence under Section 302 of the IPC. The defence of the petitioner will be considered at the stage of the trial. As such, I do not find any merit in this criminal miscellaneous application.

7. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	31.07.2017
Transmission Date	31.07.2017

